

DECISION

Dispute Codes MNR, FF

Introduction

This is an application filed by the Landlord for a monetary order for unpaid rent and recovery of the filing fee.

The Landlord attended the hearing by conference call and gave undisputed testimony. The Tenant did not attend. The Landlord states that the Tenant was served with the notice of hearing and evidence package by Canada Post Registered Mail on February 2, 2012 and has submitted a copy of the receipt. The Tenant has not filed any evidence. As such, I find that the Tenant was properly served with the notice of hearing and evidence package by Registered Mail under the Act.

The Landlord stated at the beginning of the hearing that a clerical error occurred where the Landlord failed to apply for an order of possession, but that he wished to proceed on the monetary order request for unpaid rent.

Issue(s) to be Decided

Is the Landlord entitled to a monetary order for unpaid rent?

Background and Evidence

This Tenancy began on October 9, 2011 as shown in the submitted copy of the signed tenancy agreement. The monthly rent is \$595.00 payable on the 1st of each month and a security deposit of \$297.50 was paid.

The Landlord is seeking a monetary order for unpaid rent. The Landlord states that a partial rent payment of \$297.50 was made on January 25, 2012. The Tenant still occupies the rental unit. The Landlord states that as of the end of January 2012 is in rent arrears of \$690.00. The Landlord states that rent for February 2012 has not been paid. The Landlord has submitted a copy of the 10 day notice to end tenancy for unpaid rent dated January 20, 2012 with a stated effective date of January 30, 2012. The Landlord states that the Tenant has not paid the outstanding rent or filed for dispute resolution to dispute the notice. The notice shows that outstanding rent of \$987.50 was due on January 1, 2012. The Landlord states that the notice to end tenancy was

personally served on the Tenant on January 20, 2012 and has provided the proof of service document for this.

Analysis

I accept the Landlord's undisputed testimony and I find that the Tenant was served with the notice to end tenancy for unpaid rent. The Tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the Tenancy ended on the effective date of the notice. The Landlord has established a claim for unpaid rent of \$690.00 for past arrears and rent for January 2012.

The Landlord is entitled to recovery of the \$50.00 filing fee. The Landlord is granted a monetary order under section 67 for balance due of \$740.00.

Conclusion

The Landlord is granted a monetary order for \$740.00.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: February 21, 2012.

Residential Tenancy Branch